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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,117	01/10/2006	Marcus Guzmann	102792-513(11289P4 US)	8881
27389	7590	11/30/2011	EXAMINER	
PARFOMAK, ANDREW N.			JACOBSON, MICHELE LYNN	
NORRIS MC LAUGHLIN & MARCUS PA			ART UNIT	PAPER NUMBER
875 THIRD AVE, 8TH FLOOR			1782	
NEW YORK, NY 10022				

MAIL DATE	DELIVERY MODE
11/30/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/564,117	GUZMANN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Michele L. Jacobson	1782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on 19 July 2010.
- 2a)  This action is **FINAL**.                                    2b)  This action is non-final.
- 3)  An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5)  Claim(s) 1-5, 7, 9, 10, 12, 19 and 20 is/are pending in the application.
  - 5a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 6)  Claim(s) \_\_\_\_\_ is/are allowed.
- 7)  Claim(s) 1-5, 7, 9, 10, 12, 19 and 20 is/are rejected.
- 8)  Claim(s) \_\_\_\_\_ is/are objected to.
- 9)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10)  The specification is objected to by the Examiner.
- 11)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a)  All    b)  Some \* c)  None of:
      1.  Certified copies of the priority documents have been received.
      2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ .   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/19/10 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7, 9, 10, 12, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donker et al. EP 479788 (hereafter referred to as Donker) and Waeschenbach et al. WO 00/06688, U.S. Patent No. 6,800,598 used herein for

translation and reference (hereafter referred to as Waeschenbach) and Chun et al. U.S. Patent No. 5,133,892 (hereafter referred to as Chun).

4. Donker teaches a packaged non-aqueous liquid cleaning product comprising a container having a non-aqueous liquid cleaning composition therein wherein the container is closed by a water-soluble or water-dispersible closure member. (Pg. 2, lines 20-22) The container may advantageously comprise a bottle having a relatively narrow neck which is closed by the closure member. (Pg. 2, lines 26-28)

5. The closure member must be soluble or dispersible in water at the temperature of the wash liquor, that is, at a temperature between about 0 °C and about 90 °C. Preferably, the closure member is a tablet. (Pg. 2, lines 35-37) The closure may be secured to the opening of the bottle by any suitable means such as being glued or physically held in place by press fitting. (Pg. 2, lines 32-34) Before use, the closure member may be protected against attack from atmospheric moisture, which might occur for example on storage, by being provided with a cover formed of water-impermeable material. (Pg. 2, lines 50-51) The closure may comprise water soluble polymer. (Pg. 4, lines 31-33)

6. Donker is silent regarding the closure member for the bottle disclosed comprising the composition recited in the instantly pending claims.

7. Waeschenbach teaches a composition for coating a detergent for delayed release within a wash cycle. The composition disclosed can incorporate a polymer such as PVOH and is sensitive to the pH of the surrounding environment. (Col 5, lines 25-28) “In a preferred embodiment of the invention the envelope incorporates at least

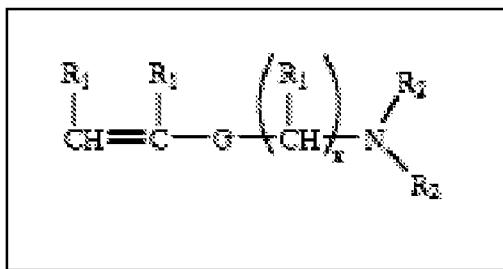
one compound which for the concentration of the specific compound at the end of the main cleaning cycle of the dishwashing machine is not or is only slightly soluble and at the concentration of the specific compound in the clear rinsing cycle has such an adequate solubility that in the clear rinsing cycle it is so substantially dissolved or detached from the core or cores that an at least partial escape of the core material into the clear rinsing cycle medium is possible.

8. Preferably the solubility of the compound increases with decreasing OH<sup>-</sup> ionic concentration and therefore decreasing pH-value in the surrounding medium. In particularly preferred manner the compound at a pH-value above 10 has little or no solubility and at a pH-value below 9 has an adequate solubility to ensure a substantially complete dissolving or detachment from the core or cores in the clear rinsing cycle, so that an at least partial escape of the core material into the clear rinsing cycle medium is possible.

9. Preferably the compound incorporates a polymer, preferably a pH-sensitive polymer, which comprises at least one repeat unit, which has at least one basic function, which is not part of the polymer backbone chain. In a preferred embodiment the polymer comprises at least one repeat unit, which is based on a compound selected from the group comprising vinyl alcohol derivatives, acrylates or alkyl acrylates, which have said basic function.

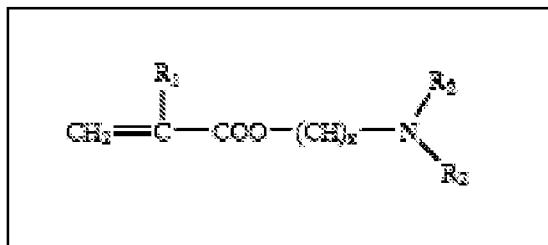
10. According to the invention the polymer is a carbohydrate functionalized with said basic function. The aforementioned basic function is preferably an amine and in

particularly preferred form a secondary or tertiary amine. In a preferred alternative the repeat unit is based on a compound with the following formula III:



in which G is a linking group selected from —COO—, —OCO—, —CONH—, NHCO—, —NHCONH—, —NHCOO—, —OCONH— or —OCOO—, R<sub>1</sub>, independently of one another, is hydrogen or an alkyl group with 1 to 3 carbon atoms, R<sub>2</sub> independently of one another, hydrogen or an alkyl group with 1 to 5 carbon atoms and x is an integer from 1 to 6.

11. Preferably the repeat unit is based on a compound with the following formula IV:



in which R<sub>1</sub>, independently of one another, is hydrogen or an alkyl group with 1 to 3 carbon atoms, R<sub>2</sub>, independently of one another, is hydrogen or an alkyl group with 1 to 5 carbon atoms and x is an integer from 1 to 6. (Col. 5 line 15-Col. 6, line 33)

12. Both Donker and Waeschenbach are directed towards compositions comprising polymers which must provide seals and be soluble in pure water, for Donker at the

beginning of a wash cycle and for Waeschenbach at the beginning of a rinse cycle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the water dispersible polymer material of Waeschenbach for the polymer material in the closure of Donker since this material is disclosed by Waeschenbach to be dispersible in pure water. “In *United States v. Adams*, . . . [t]he Court recognized that when a patent claims a structure already known in the prior art that is altered by the mere substitution of one element for another known in the field, the combination must do more than yield a predictable result.” *KSR*, 550 U.S. at \_\_\_, 82 USPQ2d at 1395. In the instant case, the obvious substitution of the water dispersible polymeric composition of Waeschenbach for the polymer in the sealing closure of Donker would have produced a bottle having a water dispersible closure.

13. Donker is silent regarding the protective cover recited comprising wax.

14. Chun teaches a dishwashing detergent tablet that releases various ingredients sequentially. (Col. 1, lines 6-12) Chun also discloses that it is beneficial to coat the barrier layers that provide the sequential release of the detergent with wax in order increase the storage stability of the tablet. (Col. 9, lines 24-27)

15. Donker and Chun both disclose water dispersible articles having covers that increase the storage stability of the inventions disclosed. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted the wax cover disclosed by Chun for the protective cover for the closure disclosed by Donker. “In *United States v. Adams*, . . . [t]he Court recognized that when

a patent claims a structure already known in the prior art that is altered by the mere substitution of one element for another known in the field, the combination must do more than yield a predictable result." *KSR*, 550 U.S. at \_\_\_, 82 USPQ2d at 1395. In the instant case, the obvious use of a wax cover would have yielded the predictable result of providing a protective cover for the closure of Donker.

16. Regarding claims 1-5, 7, 9, 10, 12, 19 and 20: The obvious modification of Donker with the teachings of Waeschenbach and Chun would have produced a bottle having a closure comprising a water dispersible layer comprising the same composition as instantly claimed and a cover comprising wax. The bottle produced by these modifications of Donker would have been the same as that claimed in claims 1-5, 7, 9, 10, 12, 19 and 20.

***Response to Arguments***

17. Applicant's arguments with respect to claims 1-5, 7, 9, 10, 12, 19 and 20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele L. Jacobson whose telephone number is (571)272-8905. The examiner can normally be reached on Monday-Thursday 8:30 AM-6 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571)272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michele L Jacobson/  
Primary Examiner, Art Unit 1782

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